

**REMARKS:**

Claims 1-12 and 14-24 are pending. In the Office Action dated June 30, 2005, the Examiner allowed all claims save claim 16, which stands rejected under 35 USC 103(a) as obvious over Benveniste in view of Ho.

Claim 16 recites in relevant part: “while in a contention free period CFP, separating by at least one Short InterFrame Space SIFS a poll and a data message sent by a point controller PC; ...”. The Examiner cites to Figure 1B and paragraph [0054] of Benveniste as teaching or suggesting this aspect, and to Ho for teaching or suggesting a further element of claim 16. This is seen as an improper reading of Benveniste for two separate and independent reasons, detailed below.

First, figure 1B of Benveniste illustrates a contention free period 116 between times T2 and T3 in which a contention free data frame 122 follows a contention free poll frame 120. The *illustration* depicts separately a short inter-frame space 115 between times T1 and T2, but does not specifically denote either elapsed time between the leading poll frame 120 and the following data frame 122 or the source and destination of those frames.

As cited in the Office Action, paragraph [0054] of Benveniste describes the relevant teachings of Figure 1B with greater particularity. The point coordinator 105 in the access point 108 of Fig. 1A controls the priority-based point coordination function (PCF) to dictate which stations in the cell 100 can gain access to the communication medium. In that respect, the point coordinator 105 of Benveniste is analogous to the point controller of claim 16 (see the written description at paragraph [00026]). At paragraph [0054], Benveniste recites that “During the contention free period 116, station 102 in Fig. 1A, for example, is directed by the access point 108 to transmit its data frame 122. The point coordinator 105 in the access point 108 sends a contention-free poll frame 120 to station 102, granting station 102 permission to transmit a

single frame.” Of the two frames at issue in Benveniste’s Fig. 1A then, the poll frame 120 is sent by the point coordinator 105 and the data frame 122 is sent by a different station 102. In contradistinction, both the poll and the data messages of claim 16 are sent by the point controller. See Figures 2C and 2D of the application, where the data frame D1 (47) is spaced in time from a poll frame P1 (46) by a PIFS (37) with no opportunity for the PC to measure valid CSI from the polled station. In each of Figures 2A-2C, transmissions sent by the point controller are depicted above the horizontal line, and those received by it are depicted below that line. Paragraph [00026] recites that aspect for Figure 2A, and the brief descriptions of the drawings at page 10 recite Figures 2B-C are similar to Figure 2A with noted exceptions.


Second, it is consistent with the IEEE 802.11 reference that Fig. 1B of Benveniste characterizes that the chronological separation between the poll frame 120 and the data frame 122 is less than one short inter-frame space 115. Admitting that Benveniste Figure 1B is not necessarily drawn to scale, it is noted that a measurement of the span between the end of the poll frame 120 and the start of the data frame 122 is less than a measurement of the short inter-frame space 115 of that same drawing. Paragraph [00028] of the present application details the prior art as illustrated at Figure 2A, and recites that the PC polls a first station (optionally piggybacking data with that poll) and the polled first station must respond within one SIFS. If there is no response, paragraph [00029] recites that the PC must wait a PIFS, which is longer than a SIFS, to send data or any other message. Both the cited sections of Benveniste and the above-noted portions of the application that characterize the prior art relate to IEEE 802.11 (see Benveniste paragraphs [0030] and [0037], which are in the background section, and the present application at paragraph [00026]). It is consistent with published IEEE 802.11 standards, disclosed by the Applicant in a PTO 1449 submitted with the present application, that a polled station must respond to its poll within one SIFS while in the contention free period. That constraint is consistent with Fig. 1B of Benveniste and the prior art portions of the present application that characterize IEEE 802.11. Therefore, the claim 16 element of separating the recited frames by at least one SIFS is also not satisfied by the cited teachings of Benveniste, which teaches away from that aspect.

Appl. No. 10/753,206  
Amdt. Dated July 25, 2005  
Reply to final Office Action of June 30, 2005

Ho is not seen to cure the above shortfalls of Benveniste respecting claim 16, and is not asserted as teaching such by the Office Action.

Based on the foregoing, it is respectfully asserted that pending claim 16 is in condition for allowance. The Applicant respectfully requests the Examiner enter this amendment, withdraw the final rejection to claim 16, and pass each of claims 1-12 and 14-24 to issue. The undersigned again invites the Examiner to resolve any remaining issues via teleconference with the undersigned representative where appropriate, at the Examiner's discretion.

Respectfully submitted:



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July 25, 2005

Date

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July 25, 2005

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